

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

RINA BRAHA,

Plaintiffs,

-against-

LTD FINANCIAL SERVICES,

Defendants.

Civil Case Number: \_\_\_\_\_

**CIVIL ACTION**

**COMPLAINT  
AND  
DEMAND FOR JURY TRIAL**

Plaintiff RINA BRAHA (hereinafter, “Plaintiff”), a New York resident, brings this complaint by and through her attorneys, Marcus & Zelman, LLC, against Defendant LTD FINANCIAL SERVICES (hereinafter “Defendant”), individually based upon information and belief of Plaintiff’s counsel, except for allegations specifically pertaining to Plaintiff, which are based upon Plaintiff’s personal knowledge.

**JURISDICTION AND VENUE**

1. The Court has jurisdiction over this action under 28 U.S.C. § 1331, 15 U.S.C. § 1692 *et seq.* and 28 U.S.C. § 2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. § 1367(a).
2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

**NATURE OF THE ACTION**

3. Plaintiff brings this action on behalf of himself seeking redress for Defendant’s actions of using an unfair and unconscionable means to collect a debt.
4. Defendants actions violated § 1692 *et seq.* of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act (“FDCPA”).

5. Plaintiff is seeking damages, and declaratory and injunctive relief.

### **PARTIES**

6. Plaintiff is a resident of the State of New York.
7. Plaintiff is a "consumer" as defined under the FDCPA, 15 USC § 1692a(3).
8. Defendant is a debt collector with its principal office located at 7322 Southwest Freeway, Ste 1600, Houston, Texas 77074.
9. Upon information and belief, Defendant is a company that uses the mail, telephone, and facsimile and regularly engages in business the principal purpose of which is to attempt to collect debts alleged to be due another.
10. Defendant is a "debt collector," as defined under the FDCPA under 15 U.S.C. § 1692a(6).

### **ALLEGATIONS OF FACT**

11. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "10" herein with the same force and effect as if the same were set forth at length herein.
12. Some time prior to August 5, 2015, an obligation was allegedly incurred to Citibank Macy's Credit Card.
13. The alleged obligation arose out of a transaction in which money, property, insurance or services, which are the subject of the transaction, are primarily for personal, family or household purposes.
14. The alleged obligation is a "debt" as defined by 15 U.S.C. § 1692a(5).
15. Citibank is a "creditor" as defined by 15 U.S.C. § 1692a(4).
16. Defendant contends that the Citibank debt is past due.

17. Defendant collects and attempts to collect debts incurred or alleged to have been incurred for personal, family or household purposes on behalf of creditors using the United States Postal Services, telephone and internet.
18. Citibank directly or through an intermediary contracted Defendant to collect the alleged debt.
19. On or about August 5, 2015, after Plaintiff noticed Defendant listed on her credit report, called the Defendant and disputed the debt.
20. The Defendant advised the Plaintiff that they would mark her matter as disputed.
21. On August 19, 2015, the Plaintiff contacted the Defendant again to confirm that said matter was marked as dispute pursuant to her August 5, 2015 telephone call.
22. The Defendant advised the Plaintiff that they did not mark her account as disputed and would not unless she sent her dispute in writing.
23. Defendant could have taken the steps necessary to bring its actions within compliance with the FDCPA, but neglected to do so and failed to adequately review its actions to ensure compliance with the law.

### **COUNT I**

#### **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. §1692e *et seq.***

24. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “23” herein with the same force and effect as if the same were set forth at length herein.
25. Pursuant to 15 U.S.C. §1692e, a debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt.
26. The Defendant violated said section by:

- Falsely stating that in order to have a legally effective dispute it must be done in writing.
- By failing to communicate that a disputed debt is disputed in violation of §1692e(8).

27. By reason thereof, Defendant is liable to Plaintiff for judgment that Defendant's conduct violated Section 1692e *et seq.* of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, on behalf of himself, all others similarly situated, and the general public, prays for judgment against the Defendant as follows, ON ALL CAUSES OF ACTION:

28. A declaration that the Defendant's practices violated the FDCPA;

29. For actual and statutory damages provided and pursuant to:

- 15 U.S.C. § 1692k(a)(1);
- 15 U.S.C. § 1692(2)(A);

30. For attorneys' fees and costs provided and pursuant to 15 U.S.C. § 1692(a)(3);

31. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: December 03, 2015

s/ Ari H. Marcus ,Esq.

Ari Marcus, Esq.

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**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby requests a trial by jury on all issues so triable.

Dated: December 03, 2015

/s/ Ari H. Marcus

Ari Marcus, Esq.

**CERTIFICATION PURSUANT TO LOCAL RULE 11.2**

I, Ari H. Marcus, the undersigned attorney of record for Plaintiff, do hereby certify to my own knowledge and based upon information available to me at my office, the matter in controversy is not the subject of any other action now pending in any court or in any arbitration or administrative proceeding.

Dated: December 03, 2015

/s/ Ari H. Marcus

Ari Marcus, Esq.